

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

COMCAST CABLE COMMUNICATIONS, LLC,
Petitioner,

v.

ENTROPIC COMMUNICATIONS, LLC,
Patent Owner.

Case IPR2024-00446
Patent 8,223,775

**PETITIONER'S OBJECTIONS TO EXHIBITS IN PATENT OWNER'S
RESPONSE**

Comcast (“Petitioner”) hereby makes the following objections pursuant to 37

C.F.R. § 42.64(b):

Exhibit No.	Section	Objections
2004	Entirety	Petitioner objects to Exhibit 2004 under Fed. R. Evid. 401, 402, 403, 901, and 902. Patent Owner cites Exhibit 2004 to purportedly support its allegation that at the time of USP 8,223,775 (’775 patent), a person of ordinary skill in the art (POSITA) would have understood that “embedded” software is generally rigid, fixed, and incapable of being upgraded without replacing or modifying the accompanying hardware. <i>See</i> Patent Owner’s Response (POR), pp. 53-54. However, the ’775 patent has an earliest priority date of September 30, 2003. Exhibit 2004 was purportedly published on January 30, 2023—over 19 years later. Exhibit 2004 is not indicative of what a POSITA would have known at the time of the ’775 patent. Therefore, Exhibit 2004 is objected to as irrelevant. <i>See</i> Fed. R. Evid. 401 and 402.

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		Additionally, because Exhibit 2004 published over 19 years after the earliest priority date of the '775 patent and is not indicative of what a POSITA would have known at the time of the '775 patent, it only serves to confuse the issues, cause unfair prejudice, and waste time. <i>See</i> Fed. R. Evid. 403. Petitioner objects to Exhibit 2004 for this additional reason. Exhibit 2004 is not self-authenticating. <i>See</i> Fed. R. Evid. 902. Patent Owner offers no evidence of what Exhibit 2004 is or any support for its authenticity or accuracy. <i>See</i> POR, pp. 53-54. Therefore, Exhibit 2004 lacks proper authentication. <i>See</i> Fed. R. Evid. 901. Petitioner objects to Exhibit 2004 at least for this additional reason.
2005	Entirety	Petitioner objects to Exhibit 2005 under Fed. R. Evid. 401, 402, 403, 901, and 902. Patent Owner cites Exhibit 2005 to purportedly support its allegation that at the time of the '775 patent, a POSITA would have understood that “embedded”

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		software is generally rigid, fixed, and incapable of being upgraded without replacing or modifying the accompanying hardware. <i>See</i> POR, pp. 53-54. However, the '775 patent has an earliest priority date of September 30, 2003. Exhibit 2005 was purportedly published on April 27, 2023—over 19 years later. Exhibit 2005 is not indicative of what a POSITA would have known at the time of the '775 patent. Therefore, Exhibit 2005 is objected to as irrelevant. <i>See</i> Fed. R. Evid. 401 and 402. Additionally, because Exhibit 2005 published over 19 years after the earliest priority date of the '775 patent and is not indicative of what a POSITA would have known at the time of the '775 patent, it only serves to confuse the issues, cause unfair prejudice, and waste time. <i>See</i> Fed. R. Evid. 403. Petitioner objects to Exhibit 2005 for this additional reason. Exhibit 2005 is not self-authenticating. <i>See</i> Fed. R. Evid. 902. Patent Owner offers no evidence of what

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		Exhibit 2005 is or any support for its authenticity or accuracy. <i>See</i> POR, pp. 53-54. Therefore, Exhibit 2005 lacks proper authentication. <i>See</i> Fed. R. Evid. 901. Petitioner objects to Exhibit 2005 at least for this additional reason.
2010	Entirety	Petitioner objects to Exhibit 2010 under Fed. R. Evid. 401, 402, 403, 801, 802, 901, and 902. Exhibit 2010 is not self-authenticating. <i>See</i> Fed. R. Evid. 902. Patent Owner offers no evidence of what Exhibit 2010 is or any support for its authenticity or accuracy. <i>See</i> POR, pp. 11-12. Therefore, Exhibit 2010 lacks proper authentication. <i>See</i> Fed. R. Evid. 901. At Petitioner objects to Exhibit 2010 at least for this reason. Patent Owner cites Exhibit 2010 as alleged evidence supporting their construction of claim terms of the '775 patent. <i>See</i> POR, pp. 11-12. However, the '775 patent has an earliest priority date of September 30, 2003. Exhibit 2010 does not have a publication date, but

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		refers to a technical specification which “was released in October 2013.” <i>See</i> Exhibit 2010. Therefore, Exhibit 2010 must have been published after the date of the ’775 patent. Exhibit 2010 is not evidence of the meaning of terms as used in the ’775 patent. Therefore, Exhibit 2010 is objected to as irrelevant. <i>See</i> Fed. R. Evid. 401 and 402. Additionally, because Exhibit 2010 must have published after the earliest priority date of the ’775 patent and is not evidence of the meaning of terms used in the ’775 patent, it only serves to confuse the issues, cause unfair prejudice, and waste time. <i>See</i> Fed. R. Evid. 403. Petitioner objects to Exhibit 2010 for this additional reason. Patent Owner relies on statements within Exhibit 2010 to prove the truth of the matter asserted therein (<i>see, e.g.,</i> POR, pp. 11-12, cited as alleged evidence of what “DOCSIS is”), but the statement was made outside the current proceeding and thus constitutes inadmissible

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		hearsay. <i>See</i> Fed. R. Evid. 801, 802. Exhibit 2010 does not meet any exception provided under Fed. R. Evid. 803-804 and 807. Petitioner objects to Exhibit 2010 for this additional reason.

BANNER & WITCOFF, LTD

Dated: December 17, 2024

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), the undersigned hereby certifies that the foregoing PETITIONER'S OBJECTIONS TO EXHIBITS IN PATENT OWNER'S RESPONSE was served electronically via e-mail on December 17, 2024 on the following counsel of record for Patent Owner:

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